

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Peter K. Kijewski

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

TIAA, Vanguard Group, Inc., BNY Pershing,

Maureen A. Dunn, Esq., Mitchell Y. Cohen, Esq.,

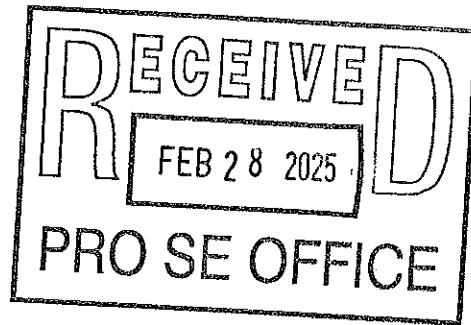
Marie F. Kijewski

COMPLAINT

Do you want a jury trial?

Yes No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.



NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

Federal Question

Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

IRS, Department of the Treasury, Internal Revenue Code

Department of Labor, "Employee Retirement Income Security Act of 1974" (ERISA)

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of _____
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____.

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of the State of _____ and has its principal place of business in the State of _____ or is incorporated under the laws of (foreign state) _____ and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Peter	K	Kijewski
First Name	Middle Initial	Last Name
23 Shipyard Dr.		
Street Address		
Plymouth, Hingham		MA 02043
County, City	State	Zip Code
914-281-4893	pkijewski@outlook.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: **TIAA**

Law & Compliance
730 3rd Avenue
New York, NY 10017
(800) 842-2733
J. Christian Annalora
Senior Director, Associate General Counsel
Law & Compliance
(212) 916-5121

Defendant 2: **Vanguard Group, Inc.**

Office of the General Counsel
100 Vanguard Blvd — M35
Malvern, PA 19355

Defendant 3: **BNY Pershing**

Legal Department
One Pershing Plaza
Jersey City, NJ 07302
(201) 413-3622

Defendant 4: **Maureen A. Dunn, Esq.**

White Plains Office
707 Westchester Avenue
Suite 410
White Plains, NY 10604
(877) 807-1472
Email: mdunn@johnsoncohenlaw.com
Dunn, Maureen A. | Johnson & Cohen, LLP

Defendant 5: **Mitchell Y. Cohen, Esq.**

White Plains Office
707 Westchester Avenue
Suite 410
White Plains, NY 10604
(877) 807-1472
Email: mitchellc@johnsoncohenlaw.com

Cohen, Mitchell Y. | Johnson & Cohen, LLP

Defendant 6: **Marie F. Kijewski, PhD**
86 Manthorne Rd.
West Roxbury, MA 02132
MarieKijewski@gmail.com

III. STATEMENT OF CLAIM

Place(s) of occurrence: New York, Pennsylvania, New Jersey, Massachusetts

Date(s) of occurrence: June 19, 2015 – without resolution.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

SDNY ECF COMPLAINT Document: Peter Kijewski-v.-TIAA.Vanguard.BNY-Pershing.M-Dunn.M-Cohen.M-Kijewski-Complaint-02.25.25.pdf

What Happened

COMPLAINT COUNT I: Unprecedented Violations - TIAA, Vanguard & BNY Pershing IRS Internal Revenue Code and "Employee Retirement Income Security Act of 1974" (ERISA)

3.8 Years TIAA: March 6, 2018 - December 16, 2021, TIAA Law & Compliance lawyers enforced Peter K. Kijewski tax-deferred 403(b) & 457(b) retirement plans and IRA \$0.00 retirement income, inexplicably including \$0.00 "Required Minimum Distribution" (RMD) disbursements and \$0.00 United States Treasury and MA-DOR tax withholding and tax payments. The TIAA enforcement action resulted in illegal omitted RMD "Investment Experience" and stiff RMD 50% penalties.

December 16, 2021 - December 27, 2021, TIAA released tax years 2018, 2019, 2020 and 2021 TIAA tax-deferred 403(b) & 457(b) retirement plans and IRA savings benefits mandatory \$439,826 balloon retirement income disbursement, including in arears mandatory \$150,376 balloon United States Treasury and MA-DOR tax withholding and tax payments. TIAA also included tax years 2018, 2019, 2020 and 2021 mandatory 457(b) \$57,267 "Wages, salaries, tips, etc. Attach Form(s) W-2". October 26, 2021, Plan Administrator, MSKCC retirement plans sponsor, thwarted November 5, 2021, Ms. Maureen A. Dunn Injunction/Restraining Order NYSCEF No. 394 (62 pages) and prevented tax year 2021 additional stiff \$93,840 RMD 50% penalty. March 2024 Social Security income due to tax year 2021 TIAA "Required Minimum Distribution" (RMD) balloon disbursement: \$1.00.

5.4 Years Vanguard: January 1, 2018 - May 15, 2023, Vanguard Office of the General Counsel lawyers enforced Peter K. Kijewski tax-deferred Vanguard IRA \$0.00

retirement income, inexplicably including \$0.00 "Required Minimum Distribution" (RMD) disbursements and \$0.00 United States Treasury and MA-DOR tax withholding and tax payments. The Vanguard enforcement action resulted in illegal omitted RMD "Investment Experience" and stiff RMD 50% penalties. There was NO need for tax years 2018, 2019, 2021 and 2022 Vanguard \$61,449 RMD 50% penalties and tax years 2018, 2019, 2020, 2021, 2022 and 2023 Vanguard balloon \$188,547 retirement income disbursement. Tax year 2023 total US and MA tax withholding and tax payments due to Vanguard "Required Minimum Distribution" (RMD) balloon disbursement: \$115,229.

2.2 Years BNY Pershing: June 25, 2015 - September 20, 2017, BNY Pershing Legal Department lawyers enforced Peter Kijewski IRA \$0.00 retirement income, inexplicably including \$0.00 "Required Minimum Distribution" (RMD) disbursements and \$0.00 United States Treasury and NYSDTF tax withholding and tax payments, except when divorce lawyer Mr. Mitchell Y. Cohen or Ms. Maureen A. Dunn, "Required Minimum Distribution" (RMD) disbursement consent received. Opposing lawyers, Johnson & Cohen, LLP, used the AUTOMATIC ORDERS to justify the enforcement action, subverting the AUTOMATIC ORDERS retirement savings "tax-deferred funds in pay status exception" in effect since May 10, 2011.

0.2 Years TIAA & Vanguard: April 18, 2017 - July 17, 2017, TIAA Law & Compliance lawyers and Vanguard Office of the General Counsel lawyers enforced Peter K. Kijewski tax-deferred retirement plans and IRAs \$0.00 retirement income, inexplicably including \$0.00 "Required Minimum Distribution" (RMD) disbursements and \$0.00 United States Treasury and NYSDTF tax withholding and tax payments. Opposing divorce litigators falsely affirmed Peter K. Kijewski flight risk to Germany, transferring retirement assets to a foreign country. July 1, 2017, Peter Kijewski retirement: TIAA, Vanguard and BNY Pershing lawyer enforcement \$0.00 403(b) & 457(b) retirement plans and IRAs income.

"Employee Retirement Income Security Act of 1974" (ERISA): Retirement asset custodian TIAA never received any 403(b) & 457(b) Domestic Relations Order (DRO), account owner Plaintiff Peter Kijewski, since June 19, 2015, no-fault Action for a Divorce NYSCEF No. 1 & 2!

Financial Harm

COMPLAINT COUNT II Immediate \$3,056,518 Cash Award - TIAA, Vanguard & BNY Pershing Payment to Peter Kijewski

Table 21 Plaintiff Peter Kijewski TIAA, Vanguard & BNY Pershing Retirement Account Owner Financial Asset Loss

Damage: Ms. Dunn Failure to Submit \$493,192 or \$468,997 Delayed Domestic Relations Order (DRO)			
Peter Kijewski coerced to use financial assets to pay expenses due to recurring enforcement \$0.00 retirement income			
Excluded: "Investment Experience" loss, excess tax payments, Medicare deductions, credit card interest, etc.			
Date	Peter K. Kijewski Financial Assets	Amount	Damage Certification
3/31/2017	TIAA Bank cash loss, adjusted	(\$292,153)	TIAA Law & Compliance
5/31/2018	TIAA Portfolio Advisor investment cash loss	(\$343,182)	TIAA Law & Compliance
6/30/2017	Payroll deficit	(\$327,159)	Citibank account statements
8/8/2016	Vanguard investment liquidation	(\$33,876)	Vanguard Office of the General Counsel
5/5/2020	Lincoln Financial 403(b) liquidation	(\$26,684)	Lincoln Financial account statement
8/26/2020	Lincoln Financial 403(b) liquidation	(\$21,556)	Lincoln Financial account statement
6/19/2015	Marital Roth IRA share	(\$41,240)	Marie F. Kijewski
12/11/2015	Tax year 2015 RMD	(\$48,389)	BNY Pershing Legal Department
4/15/2016	Emergency unsecured loan to pay support	(\$50,000)	May 13, 2016, NYSCEF No. 82
11/30/2022	Maureen A. Dunn, Esq. legal fee	(\$10,000)	Maureen A. Dunn, Esq.
5/17/2023	Child support interest	(\$12,355)	Maureen A. Dunn, Esq.
5/17/2023	Money Judgment	(\$78,035)	Maureen A. Dunn, Esq.
6/14/2023	Maureen A. Dunn, Esq. legal fee	(\$10,000)	Maureen A. Dunn, Esq.
7/25/2023	Maureen A. Dunn, Esq. legal fee	(\$1,500)	Maureen A. Dunn, Esq.

Preventable verifiable cash dissipation (\$1,296,129) TIAA, Vanguard and BNY Pershing

Lawyer Tax Fraud			
IRS: "Failure to withhold", "failure to pay tax", "failure to follow the tax laws" and "a false or alter document".			
TIAA deleted all TIAA IRA account statements exposing omitted RMD illegal "Investment Experience".			
Assigned to Marie F. Kijewski: Retirement interests incorporating omitted RMD illegal "Investment Experience".			
Date	Financial Asset	Amount	Description
12/31/2022	TIAA & Vanguard stiff RMD 50% penalties	(\$194,980)	Tax years 2015 - 2022 IRS tax returns
5/15/2023	Vanguard IRA assigned to Marie F. Kijewski	(\$424,459)	Vanguard Office of the General Counsel
7/24/2023	TIAA IRA assigned to Marie F. Kijewski	(\$498,349)	TIAA Law & Compliance

6/25/2015 Financial asset loss \$0.00 due to assignment of retirement interests to Ms. Kijewski.

\$493,192 DRO submission to TIAA, Vanguard and/or BNY Pershing

Defendants Actions

COMPLAINT VII Parties

B. Defendants

- a) TIAA
- b) Vanguard Group, Inc.
- c) BNY Pershing
- d) Maureen A. Dunn, Esq.
- e) Mitchel Y. Cohen, Esq.
- f) Marie F. Kijewski, PhD

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

COMPLAINT COUNT XI: Pain and Suffering \$20,000,000 Award - Willful Harming Plaintiff Peter Kijewski

Husband Health: September 8, 2015, Ms. Kijewski "STATEMENT OF NET WORTH" NYSCEF No. 16 (19 pages): "(q) Husband's health ... good except neuropathy".

Husband Health: October 22, 2015, Plaintiff Peter Kijewski "STATEMENT OF NET WORTH" NYSCEF No. 21 (36 pages): "(r) Husband's Health

- Chronic pain
- Inability to perform some activities of daily living
- Deteriorating hearing".

Adverse Sequelae: January 2, 2019, Peter K. Kijewski Letter to Special Referee Family Law Attorney White Plains | Josephine Trovini Court Application No. 9 NYSCEF No. 373 (81 pages) confirms Peter Kijewski inability to transfer his Klonopin prescription from NY to MA, causing June 9, 2018, horrific adverse outcome. All Peter Kijewski medical records will be publicly available.

Klonopin: Peter Kijewski required prescription Klonopin: Comprehensive medical records provided without any restrictions for public distribution.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

COMPLAINT COUNT II: Immediate \$3,056,518 Cash Award - TIAA, Vanguard & BNY Pershing Payment to Peter Kijewski

COMPLAINT COUNT III: Just \$385,750 Cash Award – TIAA, Vanguard & BNY Pershing Payment to Peter Kijewski due to June 19, 2015 - June 30, 2017, Peter Kijewski \$0.00 Payroll Income

COMPLAINT COUNT IV: Pooled \$8,699,667 Cash Award – Defendants Payment to Peter Kijewski for Needless Time Allocated to Assure Federal Law Compliance

COMPLAINT COUNT V: Finalize Equitable Distribution: Actuary Robert Guarnera Kijewski \$493,192/\$468,997 Retirement Assets Reconciliation

COMPLAINT COUNT VI: Preventable Stiff \$194,980 RMD 50% Penalty

COMPLAINT COUNT VII: Paul Cowie, TIAA Portfolio Advisor WMA, Deposition Will Confirm Ms. Dunn Defamation Against Peter Kijewski

COMPLAINT COUNT VIII: June 25, 2015 - December 11, 2023, Ms. Dunn Fraudulent Scheme

COMPLAINT COUNT IX: Immediate Restraining Order Against Ms. Dunn, Mr. Cohen and Ms. Kijewski

COMPLAINT COUNT X: Additional Cash Payments Payable to Peter Kijewski

COMPLAINT COUNT XII: Pain and Suffering \$20,000,000 Award - Willful Harming Plaintiff Peter Kijewski

COMPLAINT COUNT XII: Failure to Achieve a Satisfactory Settlement Commensurate with Peter Kijewski Needless Unprecedented Pain and Suffering, and Persistent Economic Duress

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

February 25, 2025

Dated	<u>Peter Kijewski</u>	
Peter	K	Plaintiff's Signature
First Name	Middle Initial	Last Name
23 Shipyard Drive		
Street Address		
Plymouth, Hingham	MA	02043
County, City	State	Zip Code
914-281-4893		pkijewski@outlook.com
Telephone Number	Email Address (if available)	

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

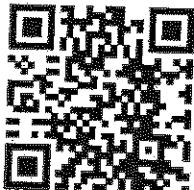
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